

## REMARKS

Claims 1-10 are pending in this Application. Applicant respectfully thanks the Examiner for indicating the allowable subject matter of claims 3-8 and 10. Though no claims have been amended with this Response, for the Examiner's convenience, Applicant respectfully provides a listing of the claims above

### Claim Rejections Under 35 U.S.C. §103(a)

Claims 1, 2, and 9 have been rejected 35 U.S.C. §103(a) as being allegedly unpatentable over United States Patent No. 5,795,103 to Gaerlan ("Gaerlan" hereinafter) in view of United States Patent No. 4,195,653 to Cessou ("Cessou" hereinafter). Applicant respectfully traverses rejection.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Applicant's claim 1 recites *inter alia*,

"wherein the fixed pipes being positioned such that the first ends emerge at least at a level of each corner of ends of the section."

Neither Gaerlan nor Cessou, taken alone or in combination, teach fixed pipes with ends that emerge at a level of *each* corner of the ends of the section. Instead, both Gaerlan and Cessou teach pipes (22 and 32 of Gaerlan and 13 of Cessou) that clearly do not extend to a level of the bottom corners of the section. This is respectfully illustrated in Figures 4 and 5 of Gaerlan, and Figure 3 of Cessou.

Furthermore, Applicant respectfully disagrees with the Examiner's contention that respective second ends of the pipes 22 and 32 of Gaerlan are *attached* to the couplings 28 and 38. Referring to Figure 5, Applicant respectfully points out that these second ends are instead

attached to non-fixed connections 24 and 34, which are themselves attached to floatation devices 30 and 40 that include the couplings 28 and 38.

Accordingly, for at least the above reasons, the proposed combination of Gaerlan and Cessou does not teach every element of Applicant's claim 1 or claims 2 and 9 that depend therefrom. Thus, Applicant respectfully submits that *prima facie* obviousness does not exist regarding claims 1-2 and 9 with respect to the proposed combination of Gaerlan and Cessou. Since the proposed combination of Gaerlan and Cessou fails to teach or suggest all of the limitations of claims 12 and 9, clearly, one of ordinary skill at the time of Applicant's invention would not have a motivation to modify or combine the references, or a reasonable likelihood of success in forming the claimed invention by modifying or combining. Thus, *prima facie* obviousness does not exist. *Id.*

Applicant also respectfully notes that a plurality of fixed pipes connected to valves, such as claimed, avoids a raising of one end of an injection pipe in order to allow introduction of pressurized water from an emergency ship. In fact, an R.O.V. (remote controlled submarine robot) or diver can directly control openings at choice of one or more valves housed in compartments accessible from outside of the ship. The fixed pipe or pipes associated with the valve or valves may consequently as introduction pipes. The pollutant fluid penetrates into at least a delivery pipe whose first end is located at the highest end corner of the section of the transverse tank (see page 3 line 18 through page 4 line 11 of the English version of the international Application).

Conclusion

No new matter has been added by way of amendment. Applicants respectfully submit that the application is now in condition for allowance; withdrawal of all rejections and prompt issuance of a Notice of Allowance is respectfully requested.

The Examiner is invited to contact Applicants' attorney at the below-listed phone number regarding this Response or otherwise concerning the present application.

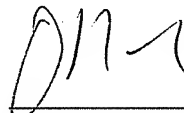
Applicants hereby petition for any extension of time necessary for entry and consideration of this Response.

If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

Respectfully submitted,

CANTOR COLBURN LLP

By:



\_\_\_\_\_  
Daniel R. Gibson  
Registration No. 56,539  
CANTOR COLBURN LLP  
55 Griffin Road South  
Bloomfield, CT 06002  
Telephone: 860-286-2929  
Customer No. 23413

Date: December 20, 2007